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Docket No.: 29137.051.00-US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Se Hwan SON

Customer No.: 30827

Application No.: 10/722,812

Confirmation No.: 8128

Filed: November 26, 2003

Art Unit: 1774

For: ELECTROLUMINESCENT DEVICES WITH  
LOW WORK FUNCTION ANODE

Examiner: Marie Rose Yamnitzky

**PETITION UNDER 37 C.F.R. § 1.55(c) FOR AN  
UNINTENTIONALLY DELAYED FOREIGN PRIORITY CLAIM**

**Mail Stop Petitions**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.55(c), Petitioner hereby petitions to file an unintentionally delayed foreign priority claim. That is, Petitioner hereby petitions that a priority claim to prior foreign applications Korean Patent Application No. 2000-82085, filed December 26, 2000, and Korean Patent Application No 1999-067746, filed December 31, 1999, be entered in the above-identified U.S. patent application.

**INTRODUCTION**

Under 37 C.F.R. § 1.55(c), if a claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) is presented after the time period provided by 37 C.F.R. § 1.55(a), the claim may be accepted if the claim identifying the prior foreign application by specifying its application number, country (or intellectual property authority), and the day, month, and year of its filing was unintentionally delayed. A petition to accept a delayed claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) must be accompanied by:

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02 FC:1453 1540.00 0P

- (1) The claim under 35 U.S.C. 119(a)-(d) or 365(a) and this section to the prior foreign application, unless previously submitted;
- (2) The surcharge set forth in § 1.17(t); and
- (3) A statement that the entire delay between the date the claim was due under paragraph (a)(1) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. *See* 37 C.F.R. § 1.55(c).

### **PETITIONER'S STATEMENTS**

#### **A. 37 CFR 1.55(c)(1)**

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) must be accompanied by the claim under 35 U.S.C. 119(a)-(d) or 365(a) and this section to the prior foreign application, unless previously submitted. *See* 37 C.F.R. 1.55(c)(1).

Petitioner hereby submits with this Petition the claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) and 37 CFR 1.55(c) to prior foreign Korean Patent Application No. 2000-82085, filed December 26, 2000, and Korean Patent Application No 1999-067746, filed December 31, 1999.

#### **B. 37 CFR 1.55(c)(2)**

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) must be accompanied by the surcharge set forth in § 1.17(t). *See* 37 C.F.R. 1.55(c)(2).

Petitioner hereby submits with this Petition the surcharge set forth in 37 C.F.R. § 1.17(t).

C. 37 CFR 1.55(c)(3)

A petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(a)-(d) or 365(a) must be accompanied by a statement that the entire delay between the date the claim was due under paragraph (a)(1) of this section and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. *See* 37 C.F.R. 1.55(c)(3).

1. Statement required by 37 CFR 1.78(a)(3)(iii)

Petitioner submits that the entire delay between the date the claim was due under 37 C.F.R. § 1.55(a)(1) and the date the claim was filed was unintentional.

2. Unintentional Delay

Copending U.S. Patent Application No. 10/798,584 claims priority to Korean Patent Application No. 2000-82085, filed December 26, 2000, and to Korean Patent Application No. 1999-067746, filed December 31, 1999. Copies of both priority documents were filed with Application No. 10/798,584 on March 10, 2004.

U.S. Patent Application No. 10/798,584 is a divisional of U.S. Patent Application No. 09/914,731, filed August 30, 2001, now U.S. Patent No. 6,720,573. U.S. Patent Application No. 09/914,731 is the national stage application of International Patent Application PCT/KR00/01537. These patent applications also claim foreign priority to Korean Patent Application Nos. 2000-82085 and 1999-067746.

The present Application was filed on November 26, 2003. It claims foreign priority to Korean Patent Application No. 2002-78809, filed December 11, 2002. The present application was originally filed by the law firm of Knobbe, Martens, Olson & Bear, LLP. The present application was subsequently transferred to and is now being prosecuted by the law firm of McKenna Long & Aldridge LLP. However, U.S. Patent Application No.

10/798,584 and its aforementioned parent application were prosecuted and handled by a different law firm, Ladas & Parry LLP.

An interference was declared in U.S. Patent Application No. 10/798,584 on November 21, 2007. In December 2007, U.S. Patent Application No. 10/798,584 was transferred from Ladas & Parry LLP to McKenna Long & Aldridge LLP so that the interference proceedings and other prosecution matters regarding U.S. Patent Application No. 10/798,584 could be handled by the same law firm.

During the interference proceedings, McKenna Long & Aldridge LLP realized that the priority documents associated with U.S. Patent Application No. 10/798,584, that is, Korean Patent Application Nos. 1999-067746 and 2000-82085, also serve as priority documents for the present application, Application No. 10/722,812. That is, McKenna Long & Aldridge LLP realized that the present application also can claim priority to and are, at least in part, supported by Korean Patent Application Nos. 1999-067746 and 2000-82085. This was not previously realized since the prosecution of U.S. Patent Application No. 10/798,584 was handled by a different law firm, Ladas & Parry LLP, prior to December 2007. This realization was made only a few weeks prior to the filing of this petition. Accordingly, Petitioner hereby submits that the entire delay between the date the claim was due under 37 C.F.R. § 1.55(a)(1) of this section and the date the claim was filed was unintentional.

## **CONCLUSION**

Petitioner hereby submits that all the requirements of 37 CFR § 1.55(c) are met by the filing of this Petition. Petitioner hereby requests that the Petition be granted.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: March 10, 2008

Respectfully submitted,

By

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